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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,118	12/19/2001	Thomas Friedhelm Boehme	DE920000083US1	3223

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EXAMINER	
MEUCCI, MICHAEL D	
ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/024,118	BOEHME ET AL.	
	Examiner	Art Unit	
	Michael D. Meucci	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-10 and 13-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-10 and 13-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/23/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the request for reconsideration filed 23 August 2006.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application 00128496.7 filed in Germany on 23 December 2000. It is noted, however, that applicant has not filed a certified copy of the 00128496.7 application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

3. The Information Disclosure Statement (IDS) filed on 23 August 2006 has been considered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 5-6, 9-10, 13-14, and 17-18 rejected under 35 U.S.C. 102(e) as being anticipated by Khan et al. (U.S. 6,460,038 B1) hereinafter referred to as Khan.

a. As per claims 1 and 17, Khan teaches: receiving, at a portal node, user-requested content information from more than one content provider nodes, (lines 34-37 of column 1); wherein the user-requested content information has been generated in a markup language using multiple different portlets comprising a specific portlet at each of the more than one content provider nodes (line 64 of column 7 through line 6 of column 8); combining, at the portal node, the received user-requested content information using a generic portlet to produce combined user-request content information (lines 44-52 of column 1); and sending, from the portal node, the combined user-requested content information to a user node (lines 34-37 of column 1 and line 66 of column 12 through line 22 of column 13).

b. As per claim 2, Khan teaches: the content information comprises fragments of information generated in the markup language at the more than one content provider nodes, and wherein the combining step comprises combining the fragments of information into the combined user-requested content information (lines 34-52 of column 1 and lines 3-5 of column 13).

c. As per claim 5, Khan teaches: the combined user-requested content information is configured for displaying on a browser at the user node (lines 3-8 of column 13, line 56 of column 14 through line 16 of column 15, and Fig. 10).

d. As per claim 6, Khan teaches: the markup language is the Hypertext Markup Language (HTML) (line 64 of column 7 through line 6 of column 8).

e. As per claims 9 and 18, Khan teaches: generating, within at least one content provider node, user-requested content information in a markup language using

a specific portlet (line 64 of column 7 through line 6 of column 8); and sending, from the at least one content provider node, the generated user-requested content information to a portal node for combining with information in the markup language received from other content provider nodes using different specific portlets to produce combined user-requested content information and sending the combined user-requested content information to a user node using a generic portlet (lines 34-52 of column 1 and line 66 of column 12 through line 8 of column 13).

f. As per claim 10, Khan teaches: the generating step comprises generating fragments of information in the markup language, and the sending step comprises sending the fragments of information to a portal node for combing and sending to a user node (lines 34-52 of column 1 and line 66 of column 12 through line 5 of column 13).

g. As per claim 13, Khan teaches: the user-requested content information sent to the user node is configured for displaying on a browser at the user node (lines 3-8 of column 13, line 56 of column 14 through line 16 of column 15, and Fig. 10).

h. As per claim 14, Khan teaches: the markup language is the Hypertext Markup Language (HTML) (line 64 of column 7 through line 6 of column 8).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-2, 5, 9-10, 13, and 17-18 rejected under 35 U.S.C. 102(a) as being anticipated by Dumbill (XML at Jetspeed) hereinafter referred to as Jetspeed.

a. As per claims 1 and 17, Jetspeed teaches: receiving, at a portal node, user-requested content information from more than one content provider nodes, (paragraph 1 on page 2); wherein the user-requested content information has been generated in a markup language using multiple different portlets comprising a specific portlet at each of the more than one content provider nodes (paragraph 4 on page 1); combining, at the portal node, the received user-requested content information using a generic portlet to produce combined user-request content information (paragraph 1 on page 2 and paragraphs 2-3 on page 4); and sending, from the portal node, the combined user-requested content information to a user node (paragraphs 2-3 on page 4).

b. As per claim 2, Jetspeed teaches: the content information comprises fragments of information generated in the markup language at the more than one content provider nodes, and wherein the combining step comprises combining the fragments of information into the combined user-requested content information (paragraph 1 on page 2 and paragraphs 2-3 on page 4).

c. As per claim 5, Jetspeed teaches: the combined user-requested content information is configured for displaying on a browser at the user node (Fig. 1 on pages 1-2 and paragraph 1 on page 2).

d. As per claims 9 and 18, Jetspeed teaches: generating, within at least one content provider node, user-requested content information in a markup language using

a specific portlet (paragraph 4 on page 1); and sending, from the at least one content provider node, the generated user-requested content information to a portal node for combining with information in the markup language received from other content provider nodes using different specific portlets to produce combined user-requested content information and sending the combined user-requested content information to a user node using a generic portlet (paragraph 1 on page 2 and paragraphs 2-3 on page 4).

e. As per claim 10, Jetspeed teaches: the generating step comprises generating fragments of information in the markup language, and the sending step comprises sending the fragments of information to a portal node for combing and sending to a user node (paragraph 1 on page 2 and paragraphs 2-3 on page 4).

f. As per claim 13, Jetspeed teaches: the user-requested content information sent to the user node is configured for displaying on a browser at the user node (Fig. 1 on pages 1-2 and paragraph 1 on page 2).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 1 above, in view of Black et al. (U.S. 6,754,833 B1) hereinafter referred to as Black.

a. As per claim 7, Khan does not explicitly teach: the user-requested content information received from the at least one of the more than one content provider nodes is associated with a fee. However, Black discloses: "Typically, at least some of the content or applications will be developed internally, while others will be obtained by paying fees to the source(s) of the content or applications," (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the information received from the at least one content provider node associated with a fee. "The web-site or portal operator (the entity that manages and controls the set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength," (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the information received from the at least one content provider node associated with a fee in the system as taught by Khan.

10. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 7 above, in view of Black and Official Notice.

a. As per claim 8, Khan fails to teach the step of accepting a fee before the receiving step. However, Black discloses: "Typically, at least some of the content or applications will be developed internally, while others will be obtained by paying fees to the source(s) of the content or applications," (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the step of accepting a fee before the receiving step. . "The web-site or portal operator (the entity that manages and controls the set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength," (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the step of accepting a fee before the receiving step in the system as taught by Khan.

Khan teaches accepting a fee, but fails to disclose when the fee is accepted. Official Notice is taken of accepting the fee before the receiving step. In general, most transactions occur wherein a fee is charged and then paid before the goods/services are delivered, thereby allowing the seller to guarantee they are getting paid for their goods/services. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to accept a fee before the receiving step in the system as taught by Khan.

11. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 9 above, in view of Black.

a. As per claim 15, Khan fails to teach the step of associating the generated user-requested content information with a fee. However, Black discloses: "Typically, at least some of the content or applications will be developed internally, while others will

be obtained by paying fees to the source(s) of the content or applications," (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to associate the generated user-requested content information with a fee. "The web-site or portal operator (the entity that manages and controls the set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength," (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to associate the generated user-requested content information with a fee in the system as taught by Khan.

12. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 15 above, in view of Black and Official Notice.

a. As per claim 16, Khan fails to teach the step of charging a fee before the sending step. However, Black discloses: "Typically, at least some of the content or applications will be developed internally, while others will be obtained by paying fees to the source(s) of the content or applications," (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the step of charging a fee before the sending step. "The web-site or portal operator (the entity that manages and controls the set of links made

available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength," (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the step of charging a fee before the sending step in the system as taught by Khan.

Khan teaches charging a fee, but fails to disclose when the fee is charged. Official Notice is taken of charging the fee before the sending step. In general, most transactions occur wherein the fee is charged and then paid before the goods/services are delivered, thereby allowing the seller to guarantee they are getting paid for their goods/services. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to charge a fee before the sending step in the system as taught by Khan.

Response to Arguments

13. Applicant's arguments filed 23 August 2006 have been fully considered but they are not persuasive.

14. (A) Regarding claim 1, the applicant contends that Khan does not teach: means for receiving at a portal node, user-requested content information from more than one content provider nodes, wherein the user-requested content information has

been generated in a markup language using different specific portlets at each of the more than one content provider nodes. The examiner respectfully disagrees.

As to point (A), the applicant argues that Khan instead teaches that the server lists URLs for accessing content provider nodes, and can additionally provide a feature for content delivery to a user. The examiner points out that three separate examples of the portal node generating the information are given in the brief summary of the invention of Khan alone. Lines 1-15 of column 2 in Khan describe: a) a 'pushed' update feature where updates are provided at intervals; b) a 'pulled' update feature where the portal node is monitored for keywords and matching updates are provided; and c) a 'changed' update feature provides updates when any information at the portal node has changed. It is clear that these updates are user-requested and information is generated at the portal nodes using a markup language. It should also be easily recognizable from the background of the invention of Khan (lines 25-52 of column 1) that different specific portlets at each of the more than one content provider node supplies information. This is shown by a user getting their "world politics news from his two favorite Indian new dailies every morning, get his Hi-Tech news coverage from Red Herring and Cnet, and get sports news from Cricket.org and dailysoccer.com," (lines 45-48 of column 1). It is clear that Khan teaches the argued limitation of the applicant's invention. As such, the rejection remains proper and is maintained by the examiner.

15. (B) Regarding claims 9-16 and 18, the applicant provides similar arguments to those discussed above in point (A).

16. (C) Regarding claim 1, the applicant contends that Dumbill does not anticipate the invention as claimed. The examiner respectfully disagrees.

As to point (C), the applicant argues only that Dumbill provides a different definition of the term "portlet" than the instant application. The applicant argues that according to Dumbill, Jetspeed gathers "information chunks imported into Jetspeed" (i.e., the Dumbill "portlets") into a data base and presents them to the user. The examiner points to paragraph 2 on page 2 of Dumbill which discloses: "Jetspeed in fact defines a Portlet API, so that components can be written to a slot into the framework." As one can clearly see, the "information chunks" imported into Jetspeed are applications built upon the portlet program interface and are in fact carry the same definition as the applicant's own specification. Additionally, Dumbill describes applications that can be utilized as portlets in paragraph 8 on page 2 which discloses: "Turbine provides an application framework that Jetspeed takes advantage of. Turbine offers features such as database connection pooling, user and session management facilities and security management," and paragraph 3 on page 4 which discloses: "Jetspeed handles external XML such as OCS by coercing it into a particular XML schema with XSLT and then utilizing Castor marshalling to bring the data to memory. So, in the source, you will find an XSLT stylesheet to transform OCS into a list of portlets." Finally, Dumbill **clearly** states: "The first of these two portlets represents an application," (paragraph 5 on page 3) describing the program code on page 3, lines 22-37). As such, the rejection remains proper and is maintained by the examiner.

(D) The applicant's remaining arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stahl (U.S. 7,072,932 B1) discloses personalized network-based service and portals.

Christfort et al. (U.S. 7,089,295 B2) discloses customizing content provided by a service.

Uhler et al. (U.S. 7,089,560 B1) discloses portals and content aggregators.

Keorkunian et al. (U.S. 7,111,078 B2) discloses observation and use of premium content by indirect access through a portal.

Macleod Beck et al. (U.S. 7,120,700 B2) discloses processing multimedia transactions in a communications center and portals.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published

in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BEATRIZ PRIETO
PRIMARY EXAMINER